

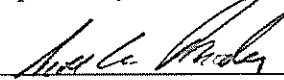
**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

KATHLEEN ANN MARTIN,)	
)	
Plaintiff,)	
)	
v.)	Case Number <u>3:09CV0566</u>
)	Jury Demand
DIRECT INSURANCE,)	
)	
Defendant.)	

DEFENDANT'S MOTION TO DISMISS

Comes now Defendant Direct Insurance Company, by and through counsel, pursuant to Federal Rule of Civil Procedure 12(b), and moves this Court for an order dismissing Plaintiff's Complaint. Defendant asserts this Court lacks subject-matter jurisdiction over Plaintiff's alleged cause of action, and further avers Plaintiff has failed to state a claim upon which relief can be granted against this Defendant and has also failed to join an indispensable party which prevents the Court from according complete relief. In support of this Motion, Defendant relies upon the accompanying Memorandum of Law.

Respectfully submitted,



Scott A. Rhodes, #16870
Attorney for Defendant
Brentwood Commons II, Suite 230
750 Old Hickory Boulevard
Brentwood, TN 37027
615-309-0400

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing document has been forwarded, via first class mail, postage prepaid, to the following on this 14th day of July, 2009:

Kathleen Ann Martin
4766 Old Salem Road
Rockvale, TN 37153



SCOTT A. RHODES